

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of)

PUBLIC UTILITIES COMMISSION)

Docket No. 2009-0108

Instituting a Proceeding to Investigate Proposed)
Amendments to the Framework for Integrated)
Resource Planning)

FOREST CITY HAWAII RESIDENTIAL, INC.'S
MOTION TO INTERVENE

AND

CERTIFICATE OF SERVICE

PUBLIC UTILITIES
COMMISSION

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FILED

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MOTION TO INTERVENE

Pursuant to Sections 6-61-41, 6-61-55 and 6-61-57 of the Hawaii Administrative Rules ("HAR"), FOREST CITY HAWAII RESIDENTIAL, INC., a Hawaii corporation ("Forest City"), through its counsel Yamamoto & Settle, hereby moves to intervene and become a party to Docket No. 2009-0108 (the "Docket"). The Docket was opened by the Public Utilities Commission of the State of Hawaii ("PUC") pursuant to their Order Initiating Investigation to examine Hawaiian Electric Company, Inc. ("HECO"), Maui Electric Company, Limited ("MECO"), Hawaii Electric Light Company, Inc. ("HELCO"), Kauai Island Utility Cooperative ("KIUC"), and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs' ("Consumer Advocate") proposed amendments to the Framework for Integrated Resource Planning ("IRP Framework"), as set forth in their letter dated and filed on April 28, 2009. No hearing is requested on this motion.

In support of its motion, Forest City represents and asserts that it satisfies all of the requirements to intervene as set forth in HAR § 6-61-55 and provides the following information in support of the same:

1. The Nature of Forest City's Statutory or Other Right to Participate in These Proceedings.

Forest City should be permitted to intervene, as it has substantial financial, contractual and other interests that will be directly affected by these proceedings and that will not be adequately represented by any of the existing parties. For these reasons, as well as those discussed below, Forest City satisfies the eligibility requirements to intervene in this Docket.

2. The Nature and Extent of Forest City's Property, Financial, and Other Interests in the Pending Matter.

Forest City has substantial financial, contractual and other interests in this Docket. Forest City, itself and through its affiliates, is a large and experienced residential and commercial real estate developer in Hawaii that is currently developing up to 1,000 residential units per year on lands owned by and leased from the United States Department of the Navy ("DoN"). Currently, Forest City, through its affiliates, has partnered with DoN to develop or renovate more than 6,500 residential units in the State of Hawaii and to manage those residential units for a period of 50 years on behalf of the DoN. Additionally, Forest City was recently selected by the Hawaii Housing Finance and Development Corporation ("HHFDC"), the State of Hawaii's housing development agency, to be the master developer of the Keahuolu Residential Housing Project in Keahuolu, Kailua-Kona, Hawaii, a 2,200-unit residential project located on approximately 272 acres of land currently owned by HHFDC.

Forest City intends to include various renewable energy projects as significant components of its new real estate developments in Hawaii. To that end, Forest City has developed a 107 kW photovoltaic ("PV") energy project within its Halsey Terrace military housing project located in Honolulu, and it is currently developing a 600 kW PV energy

project within its military housing project at the Pacific Missile Range Facility on Kauai. Forest City is exploring additional development of PV energy projects in future residential and commercial real estate projects on lands that it currently leases or to which it has developments rights from the DoN and HHFDC. Moreover, Forest City is working on a ground-based PV development of approximately 2.5 MW on the island of Oahu.

Given that this Docket will create the general framework within which renewable energy will be developed in Hawaii, this Docket has significant implications for Forest City as a developer of renewable energy projects.

3. The Effect of the Proceeding as to Forest City's Interests.

These proceedings will significantly impact Forest City's interests as a developer of renewable energy projects and residential and commercial real estate developments in Hawaii, particularly its real estate developments on lands it leases or to which it has developments rights from the DoN, pursuant to its partnership, and HHFDC. Specifically, among other things, these proceedings will define the electric utilities' goals for acquisition of renewable energy resources in the near and long term, as well as the areas in which they will seek to acquire these resources, all of which will affect the extent to which Forest City will be able to develop its renewable energy projects in connection with its existing and future real estate projects with the DoN and HHFDC. Further, Forest City has a strong interest in ensuring that the IRP Framework is established in a timely manner that affords relevant stakeholders like Forest City an opportunity to provide meaningful input to the electric utility companies and to the PUC.

4. Other Means Available Whereby Forest City's Interests May Be Protected.

Forest City is not aware of any other available means by which Forest City's interests may be protected.

5. The Extent to Which Forest City's Interests Will Not Be Represented by Existing Parties.

Forest City's interests will not be represented by any of the existing parties in this Docket. Currently, the parties to this Docket are HECO, HELCO, MECO, KIUC and the Consumer Advocate. Aside from the Consumer Advocate, all of the current parties to this Docket are the electric utility companies which have jointly proposed the amendments to the IRP Framework. The interests of these electric utility companies may be divergent from the interests of Forest City because, among other reasons, the particular program they seek to have approved may not be consistent with the efficient development of Forest City's real estate projects and/or energy projects. The only other party to this Docket, the Consumer Advocate, represents the interests of the general public, which differ from those of Forest City. The interests of the electric utility companies which have proposed the amendments to the IRP Framework and of the general public are represented by the current parties to these proceedings. However, the interests of front-end, third-party renewable energy providers and developers (such as Forest City), as well as developers of renewable energy projects and residential and commercial real estate projects on governmental lands, are not represented. Consequently, Forest City's interests will not be represented by any of the existing parties to this Docket.

6. The Extent to Which Forest City's Participation Can Assist in the Development of a Sound Record.

Forest City is uniquely qualified to assist in the development of a sound record, especially in light of Forest City's unique position as a developer of residential and

commercial real estate projects and renewable energy projects on lands leased from the DoD, a governmental agency, and its proposed development of a PV energy project and a large residential real estate project on lands owned by HHFDC. There are no other parties to the Docket that are in Forest City's position as a renewable energy project developer and a real estate developer on government lands. As the developer of renewable energy projects on government lands, Forest City possesses the expertise, knowledge and experience to assist the Commission with the development of the IRP Framework.

7. The Extent to Which Forest City's Participation Will Broaden the Issues or Delay the Proceeding.

Forest City's participation as a party in these proceedings will not broaden the issues or delay the proceedings. Forest City's interests are directly related to the present scope of this Docket.

8. The Extent to Which Forest City's Interests in the Proceeding Differs from that of the General Public.

As indicated above in Section 5, Forest City's interests in this Docket differ from those of the general public. Forest City is a developer of renewable energy projects and residential and commercial real estate projects on lands owned by governmental agencies. Forest City's particular objectives with respect to the development of renewable energy projects on governmental lands and the promotion of energy efficiency in its real estate development on such government lands, are uniquely distinguishable from the interests of the general public.

9. Whether Forest City's Position is in Support of or in Opposition to the Application.

Forest City supports the Commission's examination of the proposed amendments to the IRP Framework. Until Forest City can fully examine the proposed amendments, as they may be modified through the course of this proceeding, Forest City is not in a position to support or oppose the proposed amendments to the IRP Framework. Forest City looks forward to participating with the other parties in this Docket to developing a full record to assist the Commission's determinations in this Docket.

10. Conclusion.

For the reasons set forth herein, Forest City respectfully submits that it meets the qualifications, as set forth under HAR § 6-61-55, to intervene and become a party to these proceedings and requests that the Commission enter an order granting this Motion to Intervene.

DATED this 3rd day of June, 2009.



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CERTIFICATE OF SERVICE

I hereby certify that I have on this date served copies of the foregoing Motion to Intervene upon the following parties, by causing copies hereof to be hand delivered or mailed, postage prepaid, and properly addressed to each as follows:

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DATED this 3rd day of June, 2009.



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